IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 1388 of 2007(M)

PETITIONER:

N.RAVIKUMAR,
CHAIRMAN & MANAGING DIRECTOR, CONSUMER PROTECTION & GUIDANCE COMPANY LTD., MARGIN FREE NAGAR, KANDANAD, ERNAKULAM.

BY ADV. SRI.K.V.SABU.

RESPONDENTS:
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1. **DISTRICT COLLECTOR,**
   COLLECTORATE, ERNAKULAM.

2. **TAHSILDAR,**
   KANAYANNUR TALUK OFFICE, ERNAKULAM.

3. **VILLAGE OFFICER,**
   MANAKUNNAM VILLAGE, UDAYAMPEROOR.

4. **REVENUE DIVISIONAL OFFICER, FORT KOCHI.**

BY SR. GOVERNMENT PLEADER SRI. MOHAMMED RAFIQ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.1388/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PROCEEDINGS DTD. 03/07/05.

EXT.P.2: COPY OF THE FORM NO. 5 DTD. 03/07/05.

EXT.P2.A: COPY OF THE FORM NO. 6 DTD. 03/07/05.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 05/12/05.

EXT.P.4: COPY OF THE REPRESENTATION DTD. 07/03/06.

EXT.P.5: COPY OF THE DEMAND NOTICE DTD. 18/03/06.

EXT.P.6: COPY OF THE ORDER DTD. 21/07/06 IN W.P.(C). NO. 19330/06 PASSED BY THIS HON'BLE COURT.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.1388 of 2007-M

Dated this the 26th day of March, 2007

JUDGMENT

The petitioner is challenging Ext.P5 demand notice issued to collect the building tax in relation to a godown constructed by him. According to the petitioner, only the ground floor and first floor alone are constructed. But, tax is demanded for the third floor also. Feeling aggrieved by the said demand made by the Tahsildar as per Exts.P1 and P2, he claims he has filed Ext.P3 appeal and Ext.P4 reminder before the R.D.O. So far those exhibits are not considered or disposed of. So, this writ Petition is filed seeking appropriate reliefs.

2. A statement has been filed on behalf of the 4th respondent in which it is submitted that Exts.P3 and P4 are not received in his office. The petitioner has filed an additional affidavit and along with that he has produced Ext.P7 which is the despatch register maintained by him in the usual course of business. The same would show that Ext.P4 has been served on the R.D.O. The petitioner submits Ext.P4 was served by hand.

3. Having regard to the facts of the case, the 4th respondent is directed to consider and pass orders on Exts.P3 and P4, in accordance with law, within two months from the date of production of a copy of this judgment. Since the petitioner has already paid Rs.2 lakhs, further recovery pursuant to Ext.P5 will be kept in abeyance, for three months from today or

till the disposal of Exts.P3 and P4, by the R.D.O whichever is earlier.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS